

# **FINAL AMENDMENTS TO RULE ALLOWING SUBSTITUTION OF STATE AND LOCAL AIR TOXIC RULES FOR FEDERAL AIR TOXIC RULES**

## **FACT SHEET**

### **TODAY'S ACTION**

- ! The Environmental Protection Agency (EPA) is amending its regulation that allows state, local and tribal air pollution control agencies to implement and enforce EPA's air toxics program, and that also allows those agencies to substitute their own air toxics regulations for a federal air toxics regulations.
- ! The amendments are designed to give the state, local and tribal agencies more flexibility to implement and enforce sections of their own existing rules and programs, in lieu of corresponding federal requirements.
- ! Air toxics, also known as hazardous air pollutants, are those pollutants known or suspected to cause cancer or other serious health problems, such as birth defects.
- ! Today's amendments allow EPA to approve specific portions of a pollution control agency's air toxics program, provided that program meets EPA-specified criteria. Previously, EPA had to approve or disapprove the *entire* set of rules and regulations in order to allow state, local and tribal governments to substitute their regulations.
- ! In order to receive EPA approval, the state, local or tribal requirements would have to achieve emission reductions equivalent to or greater than reductions required under federal regulations.
- ! EPA developed today's rule in close partnership with major stakeholders, including state and local agencies, and industry representatives.

### **BENEFITS AND COST**

- ! Today's amendments ensure that required air toxic emission reductions occur, while providing air pollution control agencies with greater flexibility to preserve and build on their existing air toxics regulatory programs. The amendments provide those agencies more options to implement and enforce their toxic air pollutant control programs in place of federal programs.
- ! The amendments benefit industry by reducing the possibility that industry will be subject to

requirements of more than one governing agency.

## **BACKGROUND**

- ! Under the Clean Air Act , EPA is required to regulate emissions of 188 listed toxic air pollutants. For listed categories of "major" sources (those that emit 10 tons annually or more of a listed pollutant or 25 tons or more of a combination of pollutants), the law requires EPA to develop standards requiring industry to apply the maximum achievable control technology, or MACT.
- ! The Clean Air Act provides state, local and tribal pollution control agencies with two options regarding the authority to regulate toxic air pollutants. These agencies can either: administer and enforce the federal air toxic program; or they can replace federal requirements with requirements that are at least as stringent.
- ! EPA developed today's rule in response to state and local agency concerns regarding the amount of time and effort required to demonstrate equivalency with Federal rules and requirements. State and local agencies raised concerns in 1993 when EPA finalized the provisions specifying the criteria under which EPA would approve a State or local agency's program to substitute for a Federal air toxics program. Specifically, these agencies argued that EPA's criteria needed to be streamlined and made more flexible to reduce the barriers to EPA approval. In developing today's rule, EPA has worked in close partnership with State and local agencies to address their concerns.

## **FOR FURTHER INFORMATION...**

- ◆ Interested parties can download the proposal from EPA's web site on the Internet under "recent actions" at the following address: <http://www.epa.gov/ttn/oarpg>. For further information about the proposal, contact Tom Driscoll of EPA's Office of Air Quality Planning and Standards at (919) 541-5135.
- ◆ EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on the air pollution programs including air toxics issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.